



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
June 4, 2004

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, 9:00 a.m. The meeting was held at: St. Francis Hospital, 34515 9th Avenue South, Board Room, Federal Way, Washington.

Board Members Present: Daniel Dugaw, DO, Chair
Ralph Monteagudo, DO
Mark Hunt, DO
Thomas Bell, DO
Thomas Shelton, DO
William Gant, Public Member

Staff Present: Robert Nicoloff, Executive Director
Mark Brevard, Assistant Attorney General
Arlene Robertson, Program Manager
Judy Young, Staff Attorney
Holly Rawnsley, Program Manager

Public Attending: Kate Jansky, ARNP, President -
Washington Association of Nurse
Anesthetists

Open Session

1. Call to Order
 - 1.1 Approval of Agenda
The agenda was approved as published.
 - 1.2 Approval of Minutes - April 2, 2004
The April 2, 2004 minutes were reviewed and approved.
2. Practice Standards/Scope of Practice
 - 2.1 Use of 4-D ultrasounds for entertainment purposes.
ISSUE
The Board reviewed an article regarding the use of high-density ultrasound machines to take fetal pictures. The

FDA's position is that it is illegal to use these devices without a physician's prescription or to promote the device for nonmedical use. Franchise owners say they are operating legally because doctors own and run their businesses. There is concern how a mother is advised when a malformed or dead fetus is identified. Since ultrasound is a form of energy, even at low levels, laboratory studies have shown it can produce physical effects in tissue, such as jarring vibrations and a rise in temperature. Some small, anecdotal studies in the United States and Europe have shown it may affect human development, such as delayed speech in children.

ACTION

Since research is lacking, the Board had no comment relative to the use of these devices for this purpose.

3. Rules Reviews

3.1 Osteopathic School Approval

3.1.1 Osteopathic School Accreditation History

3.1.2 Accredited School List

3.1.3 Sample rules language

ISSUE

The Osteopathic school accreditation history and accredited school list along with sample rules language were provided. Since this profession has a history of school closures, mergers, and are currently adding new schools, the intent of a rule would be to include those schools that have meet or would meet accreditation standards of the American Osteopathic Association Bureau of Professional Education as recognized by the United States Department of Education, and Council for Higher Education Accreditation.

ACTION

Staff will work with the Assistant Attorney General on language for the rule.

3.2 Osteopathic Physician Special Purpose Examinations

ISSUE

Several years ago the National Board of Osteopathic Medical Examiners developed the COMVEX-USA examination as a further assessment point for many physicians. The examination would be appropriate in the following circumstances: an osteopathic physician applying for a license in a state that requires an osteopathic examination; an applicant in a state that imposes a time limit for examination; an applicant requesting reinstatement of a license following an interruption in their clinical practice; or an experienced

osteopathic physician needing to demonstrate basic osteopathic medical competency. The Board was asked if they wanted to pursue the availability of the examination for these purposes.

ACTION

Staff will obtain current information regarding the examination, costs and administration requirements.

4. Correspondence

4.1 Orthopaedic Specialists of Alabama

State laws prohibiting physical therapists from working in physician offices. Limitation of physician scope of services.

ISSUE

The letter from Orthopaedic Specialists of Alabama identifies a national campaign underway to restrict physician practices from employing physical therapists, and as a result, prevent physicians from providing physical therapy services in their medical practice.

ACTION

The Board indicated that this type of relationship would involve fee splitting and therefore would require notice to patients. No action is warranted.

4.2 American Society of Interventional Pain Physicians
Pain management being performed by nurse anesthetists.

ISSUE

The American Society of Interventional Pain Physicians (ASIPP) are providing notification that the American Association of Nurse Anesthetists is in the process of developing an Accreditation Program for Fellowships in Interventional Pain Management. ASIPP is objecting to the establishment of these fellowship programs. They feel this training would infringe on the practice of medicine and expand the scope of practice for nurses.

ACTION

The Board noted that each professional board regulates the scope of practice in Washington.

5. Federation of State Medical Boards Annual Meeting Report
Attendee report.

Arlene Robertson, Program Manager, and Drs. Monteagudo and Shelton shared information obtained at the annual meeting.

6. Program Manager Reports
 - 6.1 Budget Report
The budget report continues to show a positive balance.
7. Executive Director Reports
Mr. Nicoloff briefly updated the Board on recent Legislation and Department changes.
8. Disciplinary Process Review
Dr. Dugaw presented information from the Department of Health meeting updating boards on the disciplinary process and Legislative initiatives.
9. (*Open Session*) Settlement Presentations
 - 9.1 Docket No. 04-02-A-1047OP - Richard H. Turner, DO
A brief summary of the case and the settlement conditions were presented by Judy Young, Staff Attorney.

The decision was made in Executive Session. The respondent will be advised of the Board's decision by mail.
 - 9.2 Docket No. 04-01-A-1024OP - Robert G. Garmon, DO
This case resulted in a default by the respondent. Judy Young, Staff Attorney, presented the case summary and proposed resolution for the case.

The decision was made in Executive Session. The respondent will be advised of the Board's decision by mail.
 - 9.3 Docket No. 02-08-A-1021OP - Dennis S. Mann, DO
A brief summary of the case and the settlement conditions were presented by Judy Young, Staff Attorney.

The decision was made in Executive Session. The respondent will be advised of the Board's decision by mail.
- (*Closed Session*) Statement of Allegations/Stipulations to Informal Disposition
 - 9.4 Docket No. 04-04-A-1043OP
A brief summary of the Statement of Allegations and Stipulation to Informal Disposition were presented by Judy Young, Staff Attorney.

The decision was made in Executive Session. The respondent will be advised of the Board's decision by mail.

Closed Session

10. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2003-06-0003OP	No cause for action; evidence does not support a violation.
2003-09-0006OP	Issue a Statement of Charges.
2003-11-0002OP	No cause for action; evidence does not support a violation.
2003-12-0008OP	No cause for action; unique closure.
2003-12-0010OP	No cause for action; no violation determined.
2004-05-0002OP	Closed prior to investigation; below threshold.

CLOSED AS THE RESULT OF A SETTLEMENT AGREEMENT

2001-06-0003OP/DOCKET #02-08-A-1021OP
2003-01-0001OP/DOCKET #04-01-A-1024OP
2003-01-0004OP/DOCKET #04-02-A-1047OP

CLOSED BELOW THRESHOLD SINCE 4/2/04
2004-04-0001OP

11. Compliance Reports
There were no compliance reports.

12. Application Review
There were no application reviews.

The meeting was adjourned at 11:30 a.m.

Respectfully Submitted

Arlene A. Robertson
Program Manager

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WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO
OSTEOPATHIC PHYSICIANS FOR AGENDAS AND MINUTES.